EXECUTIVE SUMMARY - ENFORCEMENT MATTER DOCKET NO.: 2008-0540-MWD-E TCEQ ID: RN103051710 CASE NO.: 35651 RESPONDENT NAME: TYNAN WATER SUPPLY CORPORATION

						
ORDER TYPE:						
1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING				
X FINDINGS DEFAULT ORDER	_SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER				
_AMENDED ORDER	EMERGENCY ORDER					
CASE TYPE:						
AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE				
PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION				
X WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL				
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION				
TYPE OF OPERATION: Wastewater treatment of SMALL BUSINESS: X Yes OTHER SIGNIFICANT MATTERS: The regarding this facility.	-	litional pending enforcement actions				
COMMENTS RECEIVED: The Texas Reg	ister comment period expired on December 29	, 2008. No comments were received.				
CONTACTS AND MAILING LIST: TCEQ Attorney: Mr. Rudy Calderon, Litigation Division, MC 175, (512) 239-0205 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019 TCEQ Enforcement Coordinator: Mr. Jorge Ibarra, Air Enforcement Section, MC R-4, (817) 588-5890 TCEQ Regional Contact: Mr. David Kennebeck, Corpus Christi Regional Office, MC R-14, (361) 825-3111 Respondent: Mr. Gerald Holubec, President, Tynan Water Supply Corporation, P.O. Box 115, Tynan, TX 78391 Respondent's Attorney: Not represented by counsel on this enforcement matter.						

RESPONDENT NAME: TYNAN WATER SUPPLY CORPORATION DOCKET NO.: 2008-0540-MWD-E

	DOCKET NO.: 2000-0340-M VD-E			
VIOLATION SUMMARY CHART:				
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED		
Type of Investigation:	Total Assessed: \$26,750	Technical Requirements:		
Complaint Routine Enforcement Follow-up X Records Review Date of Complaint Relating to this Case: N/A Date of Investigation Relating to this Case: February 25, 2008	Total Deferred: \$0 Expedited Order Financial Inability to Pay SEP Conditional Offset Total Due to General Revenue: \$26,750 This is a Default Order. The Respondent has not actually paid any of the assessed penalty but will be required to do so under the terms of this	The Respondent shall: 1. Within 15 days: a. Submit the required DMRs for Outfall 001 for the monthly monitoring periods of February 2006 through December 2007; and b. Submit the annual sludge reports for the reporting periods ending July 31, 2006, and July 31, 2007.		
Date of NOE Relating to this Case: March 27, 2008	Order. Site Compliance History Classification High X Average Poor	Within 30 days: a. Submit payment for all outstanding fees,		
Background Facts: The EDPRP was filed August 13, 2008, and mailed to the Respondent via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green card," the Respondent received notice of the EDPRP on August 15, 2008. The Respondent failed to answer the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.	Person Compliance History Classification High X Average Poor Major Source: Yes X No. Applicable Penalty Policy: September 2002	including any associated penalties an interest; and b. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished. 3. Within 45 days, submit written certification demonstrating compliance with Orderin Provisions above.		
Current Compliance Status: Not yet in compliance.				
MWD: 1. Failed to submit monitoring results at the intervals specified in the permit [30 Tex. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0014123001, Monitoring and Reporting Requirements, No. 1].		·		
2. Failed to submit monitoring results at the intervals specified in the permit [30 Tex. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ14123001, Sludge Provisions].				
3. Failed to pay the Consolidated Water Quality Fees for Account No. 23005022 for fiscal year 2008 and associated late fees [30 Tex. ADMIN. CODE § 21.4 and Tex. WATER CODE § 5.702].				

Policy Revision 2 (Septemb	•	Calculatio	n Works	sheet (P	•	sion February 29, 2008
English Committee Committe	1-Mar-2008 Screenin	g 1-Apr-2008	EPA Due		(Ostaliana)	
RESPONDENT/FACILITY INI Respondent Reg. Ent. Ref. No. Facility/Site Region 14	nan Water Supply Corpo I103051710	oration	Major/l	Minor Source	Minor	
CASE INFORMATION Enf./Case ID No. 35 Docket No. 20 Media Program(s) Wa Multi-Media Admin. Penalty \$ Lim	08-0540-MWD-E ater Quality	Maximum				m 3
TOTAL BASE PENALTY		alty Calcula base penaltie	1. 2	tion	Subtotal 1	\$25,000
ADJUSTMENTS (+/-) TO Subtotals 2-7 are obtained Compliance History	by multiplying the Total Base f	Penalty (Subtotal 1) by	the indicated per Enhancement	centage. Subte	ofals 2, 3, & 7	\$1,750
	The Respondent was is violations and one NOV					
Culpability Notes	No The Respondent	0% does not meet the	Enhancement	iteria.	Subtotal 4	\$0
Good Faith Effort to Extraordinary Ordinary N/A Notes	Before NOV NOV to EDF	PRP/Settlement Offer	Reduction	iteria.	Subtotal 5	\$0
	tal EB Amounts \$356 t of Compliance \$2,800		Enhancement I at the Total EB \$	S Amount	Subtotal 6	\$0
SUM OF SUBTOTALS 1	The transfer of the second of	UIRE	0%	7	inal Subtotal Adjustment	\$26,750 \$0
Reduces or enhances the Final Subtr	otal by the indicated percentag	е.				:
STATUTORY LIMIT AD	JUSTMENT				nalty Amount	\$26,750 \$26,750
DEFERRAL Reduces the Final Assessed Penalty					Adjustment	\$0
Notes	o deferral is recommend	ded because the r timely manner.		l not settle in a		•
PAYABLE PENALTY				TOTAL STATE OF		\$26,750

Screening Date 1-Apr-2008

Docket No. 2008-0540-MWD-E

PCW

Respondent Tynan Water Supply Corporation

Case ID No. 35651

Policy Revision 2 (September 2002) PCW Revision February 29, 2008:

Reg. Ent. Reference No. RN103051710

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Compliance History Worksheet
Compliance History Site Enhancement (Subtotal 2)

NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
14043	Other written NOVs	1	2%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0.%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0% -
	Pleas	e Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
	Adjustment Pe	ercentage (Su	ubtotal 2) [
eat Violator (Su	btotal 3)	Er mansar varde	A Comment
No	Adjustment Pe	ercentage (Su	ubtotal 3) [
pliance History	Person Classification (Subtotal 7)		
Average P	erformer Adjustment Pe	ercentage (St	ubtotal 7) [
pliance History	Summary		Marine .
Compliance History Notes	The Respondent was issue one NOV with the same/similar type of violations and one NOV same/similar type of violations.	without the	
			•

Screening Date	1-Apr-2008	i i i i i i i i i i i i i i i i i i i	ocket No. 2008-054	0-MWD-E	PCW
	Tynan Water Supp	oly Corporation	•	Policy F	Revision 2 (September 2002)
Case ID No.			ù	PCW	Revision February 29, 2008
Reg. Ent. Reference No.			•		
Media [Statute]		•		•	
Enf. Coordinator		•			
Violation Number					n .
Rule Cite(s)		and Reporting Requirem		it No. WQ0014123001, x. Admin. Code §	A distribution of the state of
	1 1 1 1	:	and the second		
Violation Description	failure to submit t	nonitoring results at the he required discharge n monitoring periods of F	nonitoring reports ("DN	the permit. Specifically, IRs") for Outfall 001 for December 2007.	
		7.	and the same of th		
				Base Penalty	\$10,000
>>Environmental, Property	and Human Hea	Ith Matrix			
		larm		EMPAREMENT DIVINGES	
Release	Major Mo	derate Minor	•		
OR Actua					
Potentia			Percent	0%	
>>Programmatic Matrix Falsification	Major Mo	oderate Minor		•	
1 asincation	I x	indicate inition	Percent	10%	
	<u> </u>				
Matrix Notes	10	0% of the rule requirem	ent was not met.		****
			Adjustmer	it \$9,000	1 .
		NATA SE ANTANA MENANTIN MENENTINI ME	AND THE PROPERTY OF THE PROPER		
		•		•	\$1,000
Violation Events					
Number of Vi	olation Events	23	671 Number of	of violation days	
					,
	daily				
mark only one	monthly quarterly			Violation Base Penalty	\$23,000
with an x	semiannual				
·	annual		*		
****	single event	<u> </u>			
					1
Twe	nty-three single eve	nts are recommended,	one for each of the 23	missing DMRs.	,
Economic Benefit (EB) for th	is violation		Statuto	ny Limit Test	
CONTRACTOR CONTRACTOR AND A STREET AND AND AND AND A STREET AND A STRE	Makingarana	P 000	1	ion Einel Donalt: Tata	\$24,610
Estimate	d EB Amount	\$302	j violat	ion Final Penalty Tota	φ24,010
		This violation I	Final Assessed Pena	ity (adjusted for limits	\$24,610

			Benefit W	orksi	neet	13.00	Ď.
Respondent Case ID No.		upply Corporation					
Reg. Ent. Reference No.							
	Water Quality						Years of
Violation No.	•					Percent Interest:	Depreciation
Violation No.	1.		7.30	Call and	LENGTH.	أ ح أ	
	在1946年1月1日	Figure .				5.0	1
1 (1) (1) (1) (1) (1) (1) (1) (1) (1) (1	ltem Cost	Date Required	Final Date		Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$			KAST STEET	-0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	** , s ³	
Delayed Costs			1100 (1) 100 (1)	i i i i i i i i i i i i i i i i i i i	Daniel Berner	22	
Equipment		1		0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land			/ 41	0.0	\$0	。 中的/ari的 建設	\$0
Record Keeping System				0.0	\$0	法是世間n/ama	\$0
Training/Sampling				0.0	\$0	/////////////////////////////////////	\$0
Remediation/Disposal				0.0	\$0	· AXVIN/a車線機	\$0
Permit Costs				11 00	00	THE RESERVE OF THE PROPERTY AND ADDRESS OF THE PROPERTY OF THE	
1 0.11.11 00510		<u> </u>		0.0	\$0	www.n/aut	\$0
Other (as needed)	\$2,300	20-Mar-2006	1-Nov-2008	2.6	\$302	An/akusa	\$302
			sing DMRs. Date	2.6	\$302 is the date the fi		\$302
Other (as needed)	Estimated co	st to submit the miss	sing DMRs. Date expected	2.6 Required date of co	\$302 is the date the fil mpliance. em (except for	rst DMR was due, Fi	\$302 inal Date is the costs)
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal	Estimated co	st to submit the miss	sing DMRs. Date expected	2.6 Required date of contering it	\$302 is the date the file mpliance. em (except for \$0	rst DMR was due, Fi	\$302 inal Date is the costs) \$0
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Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling	Estimated co	st to submit the miss	sing DMRs. Date expected	2.6 Required date of contening it	\$302 Is the date the fill mpliance. em.(except for a \$0 \$0 \$0 \$0	rst DMR was due, Fi	\$302 inal Date is the costs) \$0 \$0 \$0
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Respondent Tynan Water Supply Corporation Case ID No. 3551 Reg. Ent. Reference No. RN13035710 Mode is Statute Water Coulty Enf. Coordinator Jorge Ibama, P.E. Violation Number PDES Permit No. W00014123001, Sudge Provisions, and 30 Tex. Admin. Code § S05.125(17) Rule Cite(s) Failed to submit monitoring results at the intervals specified in the permit. Specifically, failed to submit the annual sludge reports for the reporting periods ending July 31, 2005 and July 31, 2007 by September 1, 2006 and September 1, 2007, respectively. **Serviconmental, Property and Human Health Matrix** **Harm Health Matrix** OR	Screening Date	1-Apr-2008	D	ocket No. 2008-05	40-MWD-E	PCW
Reg. Ent. Reference No. RN130301710 Media [Statute] Water Cusuity Enf. Coordinator Jurge Iberra, P.E. Violation Number 2 Rule Cite(s) Rule Cite(s) Rule Cite(s) Felied to submit monitoring results at the intervals specified in the permit. Specifically, failure to submit the annual sludge reports for the reporting periods ending July 31, 2006 and July 31, 2007 by September 1, 2006 and September 1, 2007, respectively. Base Penalty \$10,000 >> Environmental, Property and Human Health Matrix. Release Major Moderate Minor OR Actual Potential Potential Percent 0% >>Programmatic Matrix Notes 100% of the rule requirement was not met. Matrix Notes 100% of the rule requirement was not met.			Corporation		Policy .	Revision 2 (September 2002)
Media [Statuto] Water Quality Enft. Coordinator Joege Ibbora. P. E. Violation Number 2 2 Rule Cite(s) TPDES Permit No. WQ0014123001, Studge Provisions, and 30 Tex. Admin. Code § 305.128(17) Violation Description failure to submit the annual studge reports for the reporting periods ending July 31, 2006 and July 31, 2007 by September 1, 2007, respectively. Base Penalty \$10.000 >> Environmental, Property and Human Health Matrix Harm Moderate Minor Actual Potential Protential Period Moderate Minor Felsification Major Moderate Minor Felsification Major Moderate Minor Percent 10% Matrix Notes 100% of the rule requirement was not met. Violation Events 2 Number of Violation Events 2 Number of violation days Violation Events - Two events are recommended. Economic Benefit (EB) for this Violation Estimated EB Amount 554 Violation Final Penalty Total 52,140 This violation Final Penalty (adjusted for limite) 52,140 This violation Final Penalty (adjusted for limite) 52,140 This violation Final Penalty (adjusted for limite) 52,140	Case ID No.	35651			PCV	V Revision February 29, 2008
Enf. Coordinator Jorge Ibarra, P. E. Violation Name 2 Rule Cite(s) Felled to submit monitoring results at the intervals specified in the permit. Specifically, 1200 and July 31, 2007 by September 1, 2006 and September 1, 2007, respectively. Violation Description failure to submit the annual sludge reports for the reporting periods ending July 31, 2006 and July 31, 2007 by September 1, 2006 and September 1, 2007, respectively. Base Penalty \$10,000 >> Environmental, Property, and Human Health Matrix. Harm Release Major Moderate Minor Actual Potential Percent 0% >>Percent 10% >>Percent 10% Percent 10%	Reg. Ent. Reference No.	RN103051710				
Violation Number 2 TPDES Permit No. WC0014123001, Sludge Provisions, and 30 Yex. Admin. Code § TPDES Permit No. WC0014123001, Sludge Provisions, and 30 Yex. Admin. Code § 305.125(17)	Media [Statute]	Water Quality			•	,
Rule Cite(s) TPDES Permit No. W00014123001, Sludge Provisions, and 30 Tex. Admin. Code § Total to submit monitoring results at the intervals specified in the permit. Specifically, Falled to submit the annual sludge reports for the reporting periods ending July 31, 2005 and July 31, 2007 by September 1, 2006 and September 1, 2007, respectively. Base Penalty S10,000 SEnvironmental Property and Human Health Matrix Harm Release Major Moderate Minor Release Major Moderate Minor Percent 0% SPROGRAMMATICE 10% Actual Potential Property and Human Health Matrix Harm Notes 100% of the rule requirement was not met. Adjustment \$9,000 S1,000 Violation Events Number of Violation Events 2 Number of violation days Adjustment \$9,000 S1,000 Two events are recommended. Economic Benefit (EB) for this violation Estimated EB Amount 554 Violation Final Penalty Total 32,140 This violation Final Assessed Penalty (adjusted for limits) \$2,440						
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Harm Actual Percent 0%	<u></u>				Base Penalty	y \$10,000
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OR Actual Potential Percent 0% >>Programmatic Matrix Fatsification Major Moderate Minor Percent 10% Matrix Notes 100% of the rule requirement was not met. Matrix Notes 100% of the rule requirement was not met.	Rolesco			•		
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Mark only one with an x Semiannual annual annual single event x	Andrew Control of the	4 50 x 12 m x 000 000 000 1 x 120 m 2 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1				•
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This violation Final Assessed Penalty (adjusted for limits) \$2,140	Louinatec					
		ANTERNOMENTALINA (PROPERTY CASA)	This violation	Final Assessed Pena	alty (adjusted for limits	

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Responden		upply Corporation		,			
Case ID No	. 35651						
Reg. Ent. Reference No	. RN103051710						
	a Water Quality					Color	Years of
Violation No	•					Percent Interest	Depreciation
Violation No) , ∠	15			Herikalistaniya		1
						5.0	1
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Descriptio	n No commas or \$	HUELS		7. U. 公 V	e principal and a finish of a r	\$72.	
Delayed Cost	s of Norway			taris de	ne affecte		
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0.	\$0
Land				0.0	\$0	All in/a-c-47s	\$0
Record Keeping System				0.0	\$0	na de anía de sob	\$0
Training/Sampling				0.0	\$0	minimin/a 45.55	\$0
Remediation/Disposal				0.0	. \$0	A San/a Comme	\$0
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Permit Costs	I(.			0.0	\$0	And Ani/a an Lea	\$0
Other (as needed)	\$500	1-Sep-2006 to prepare and sub	1-Nov-2008	2.2	\$54	Kasanun/asasusa	\$0 \$54 non-compliance
Other (as needed) Notes for DELAYED costs	Estimated cost	to prepare and sub	mit the required s Final Date is the	2.2 sludge re expected	\$54 port. Date Require d compliance date	ed is the first day of	\$54 non-compliance
Other (as needed) Notes for DELAYED costs Avoided Costs	Estimated cost	to prepare and sub	mit the required s Final Date is the	2,2 sludge re expected	\$54 port. Date Require d compliance date item/(except/for4)	ed is the first day of	\$54 non-compliance
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal	Estimated cost	to prepare and sub	mit the required s Final Date is the	sludge re expected	\$54 port. Date Require d compliance date item;(except*forate)	ed is the first day of cone-time avoided co	\$54 non-compliance costs)
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	Estimated cost	to prepare and sub	mit the required s Final Date is the	sludge re expected entering: 0.0 0.0	\$54 port. Date Require d compliance date item;(except/for-	ed is the first day of one-time avoided of \$0 \$0	\$54 non-compliance costs) \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Cost Disposal Personnel Inspection/Reporting/Sampling	Estimated cost	to prepare and sub	mit the required s Final Date is the	sludge re expected	\$54 port. Date Require d compliance date item;(except*forate)	ad is the first day of the control o	\$54 non-compliance costs) \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	Estimated cost	to prepare and sub	mit the required s Final Date is the	sludge re expected expected 0.0 0.0 0.0	\$54 port. Date Required compliance date item;(except*for: \$0 \$0 \$0	ed is the first day of one-time avoided of \$0 \$0	\$54 non-compliance costs) \$0 \$0
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Other (as needed) Notes for DELAYED costs Avoided Cost Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated cost	to prepare and sub	mit the required s Final Date is the	2.2 sludge rej expected entering 0.0 0.0 0.0 0.0	\$54 port. Date Required compliance date item/(except/for-	ed is the first day of some-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$54 non-compliance sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0
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Screening Date	1-Apr-2008 Docket No. 2008-0540-MWD-E	(PCW
	Tynan Water Supply Corporation	Palicy Revision 2 (September 2002)
Case ID No.		PCW Revision February 29, 2008
Reg. Ent. Reference No.		***************************************
Media [Statute])
Enf. Coordinator		
Violation Number		
Rule Cite(s)	30 Tex. Admin. Code § 21.4 Texas Water Code § 5.702	
	production of the state of the	
Violation Description	Failed to pay Consolidated Water Quality Fees for Account No. 23005022	for fiscal year
Violation Description	2008 and associated late fees.	
. ,	and the state of t	
	3	
		Base Penalty \$10,000
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>> Environmental, Property a		
Release	Harm Major Moderate Minor	Account to
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	Adjustment	\$10,000
and Control Co		60
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Number of Vic	lation Events Number of violation	days .
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	annual	
	single:event	
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public for the reserve of the first of the first of the first of the first of the reserve of the first of the reserve of the first of the reserve of the first of	addischieben (1992) (1994) (19	
Estimate	EB Amount \$0 Violation Final	Penalty Total \$0
-	This violation Final Assessed Penalty (adjust	ted for limits) \$0
Proportional and the contract of the contract	This violation fillal assessed felially (adjust	

!	Landa E	conomic:	Benefit W	orksh	neet	in problem	માં પ્રાથમિક
		upply Corporation					
Case ID No	. 35651						•
Reg. Ent. Reference No	. RN103051710					1	
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Violation No	•					Percent/Interest	Depreciation
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item Description	n No commas or \$	e de la companya de	· · · · · · · · · · · · · · · · · · ·	1. 36 F. de.	** *** *** *** *** *** *** *** *** ***	Control Dassies	
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Delayed Costs	S in Marin editer					1000	1974
Equipment				0.0	\$0	\$0	\$0
Bulldings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0 .	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	6年1925 m/a 結構機能	\$0
Record Keeping System				0.0	\$0	nu kunawa a	\$0
Training/Sampling				0.0	\$0	是ESTATION AREA TO	\$0
Remediation/Disposal				0.0	\$0	SAME IN A MARKET REPORT OF THE PARTY OF THE	\$0
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Notes for DELAYED costs				N/A			
Holes to: DELATED Costs				MIC			
			1 1/11				
Avoided Costs	ANN	U'ALIZE [1] avoid	ed costs before e	ntering ite	m (except for	one-time avoided o	osts)
Disposal				0.0	\$0	\$0	\$0
Personnel			- 42	0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling			+ (+	.0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	/ \$0 :	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Notes for AVOIDED costs					. 1		
							•
	L						
Approx. Cost of Compliance	,				er e	, '	
		\$0		÷	TOTAL		\$6

Compliance History

Custome	r/Respondent/Owner-Operator:	CN600637649	TYNAN WSC			Classification:	AVERAGE	Rating: 0.11	
Regulate	d Entity:	RN103051710	TYNAN WAT	ER SUPPLY V	WTP	Classification:	AVERAGE	Site Rating:	0.11
ID Numbe	er(s):	WASTEWATER WASTEWATER WASTEWATER WASTEWATER WASTEWATER			PERMIT EPA ID PERMIT PERMIT PERMIT			WQ001412300 TX0119601 TX0119601 WQ001412300 TPDES011960	1
Location:		LOCATED APPROXIMATELY SH 359 & FM RD	7 500 FT NE OF	THE INTERSE	359 &	Rating Date: S NO	eptember 01 0	7 Repeat Violato	
TCEQ Re	egion:	REGION 14 - COF							
Date Con	npliance History Prepared:	April 04, 2008							1
Agency D	Decision Requiring Compliance History	y: Enforcement							
	nce Period:	April 04, 2003 to A	pril 04, 2008						
TCEQ Sta	aff Member to Contact for Additional I	nformation Regarding this	Compliance Hist	ory	٠.			· -	
Name:	Jorge Ibarra, P.E.			7) 588-5890					
				_					
			Compliance Hi	•	onents				
	e site been in existence and/or operat				No · No				
2. Has the period?	ere been a (known) change in owners	ship of the site during the c	ompliance		· No	•			
•	who is the current owner?				N/A			_	
4. if Yes,	, who was/were the prior owner(s)?	1			N/A				
5. When	did the change(s) in ownership occur	?		•	N/A			2	
Compor	nents (Multimedia) for the Site :			•				-	
A.	Final Enforcement Orders, court jud	dgements, and consent de	crees of the state	of Texas and	the federal go	vernment.			
7.4	N/A					•			
B.	Any criminal convictions of the state	e of Texas and the federal	government.					•	
	N/A								
C.	Chronic excessive emissions event	S.	•						
	N/A								
D.	The approval dates of investigation 1 05/14/2003 (31623))						
	1 05/14/2003 (31623) 2 02/20/2004 (390214 3 03/16/2004 (390215 4 02/18/2005 (390215 5 03/21/2005 (390216 6 03/22/2006 (453001 7 09/04/2007 (607422 8 03/27/2008 (636808	(i) (i) (i) (i) (i) (i)	·					•	
E. ·	Written notices of violations (NOV)	. (CCEDS Inv. Track. No.)	•						
	Date: 03/22/2006 (4	53001)						,	
	30 TAC Rqmt Prov: PERMI	Chapter 319, SubChapte Chapter 319, SubChapte T Monitoring Requirement	r A 319.7(c) s 3c. (Page 5)			inor			
	of sam made t laborat	to maintain records of more ple or measurement; identing the measurement; date and cory who performed the and tor 1422)	ty of individual w I time of analysis	ho collected th ; identity of the	e sample or individual an	d			

Self Report?	NO	Classification.	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
	30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
	NO	Classification:	Moderate
Self Report?		Classification.	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
	30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
	30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
·		Classification:	Moderate
Self Report?	NO	Classification.	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
	30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
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Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
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	NON-RPT VIOS FOR MONIT PER OR PIPE		
Description:			16
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
	30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO .	Classification:	Moderate
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Citation:	•		
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Description:,	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
	30 TAC Chapter 305, SubChapter F 305.125(17)		
	NON-RPT VIOS FOR MONIT PER OR PIPE		
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Self Report?	NO .	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
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Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Citation.			
	30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
	30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE	*	
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Self Report?		Classification.	
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
	30 TAC Chapter 305, SubChapter F 305.125(17)		
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
	30 TAC Chapter 305, SubChapter F 305.125(17)		
Descriptions	NON-RPT VIOS FOR MONIT PER OR PIPE		
Description:	NON-KET VIOOT OK MONITTEK OK THE		
Environmental audits	s.		
N/A			•
Type of environments	al management systems (EMSs).		
31/4			
N/A			
Voluntary on-site con	npliance assessment dates.		
·			
N/A			
Participation in a volu	untary pollution reduction program.		
N/A			
Early compliance.			
	- Company		

NO

Self Report?

Moderate

Classification:

G.

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
TYNAN WATER SUPPLY	§	
CORPORATION;	§	ENVIRONMENTAL QUALITY
RN103051710	§	

DEFAULT ORDER DOCKET NO. 2008-0540-MWD-E

At its	agenda, the Texas Commission on Environmental Qu	ıality,
("Commission" or "TCEQ")	considered the Executive Director's Preliminary Report and Pe	tition
filed pursuant to TEX. WATER	R CODE chs. 5, 7, and 26 and the rules of the TCEQ, which rec	quests
appropriate relief, including th	he imposition of an administrative penalty and corrective action	of the
respondent. The respondent	made the subject of this Order is Tynan Water Supply Corpor	ration
("Tynan WSC").		

The Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

- 1. Tynan WSC owns and operates a wastewater treatment plant located at approximately 250 feet southeast of State Highway ("SH") 359 and approximately 500 feet northeast of the intersection of SH 359 and Farm-to-Market Road 796, Bee County, Texas (the "Facility").
- 2. The Facility has discharged waste into or adjacent to any water in the state or has committed another act that has caused or will cause pollution of any state water under the Texas Water Code.
- 3. During an investigation conducted on February 25, 2008, a TCEQ Central Office investigator documented that Tynan WSC:
 - a. Failed to submit monitoring results at the intervals specified in its permit. Specifically, Tynan WSC failed to submit the required discharge monitoring reports ("DMRs") for Outfall 001 for the monthly monitoring periods of February 2006 through December 2007.
 - b. Failed to submit monitoring results at the intervals specified in its permit. Specifically, Tynan WSC failed to submit the annual sludge report for the reporting

- periods ending July 31, 2006 and July 31, 2007 by September 1, 2006 and September 1, 2007, respectively.
- c. Failed to pay the Consolidated Water Quality Fees for Account No. 23005022 for fiscal year 2008 and associated late fees.
- 4. Tynan WSC received notice of the violations on or about April 1, 2008.
- 5. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Tynan Water Supply Corporation" (the "EDPRP") in the TCEQ Chief Clerk's office on August 13, 2008.
- 6. By letter dated August 13, 2008, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Tynan WSC with notice of the EDPRP. According to the return receipt "green card," Tynan WSC received notice of the EDPRP on August 15, 2008, as evidenced by the signature on the card.
- 7. More than 20 days have elapsed since Tynan WSC received notice of the EDPRP, provided by the Executive Director. Tynan WSC failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.

CONCLUSIONS OF LAW

- 1. As evidenced by Finding of Fact Nos. 1 and 2, Tynan WSC is subject to the jurisdiction of the TCEQ pursuant to Tex. WATER CODE chs. 5, 7, and 26 and the rules of the Commission.
- 2. As evidenced by Finding of Fact No. 3.a., Tynan WSC failed to submit monitoring results at the intervals specified in its permit, in violation of 30 Tex. ADMIN. CODE § 305.125(17) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014123001, Monitoring and Reporting Requirements, No. 1. Specifically, Tynan WSC failed to submit the required DMRs for Outfall 001 for the monthly monitoring periods of February 2006 through December 2007.
- 3. As evidenced by Finding of Fact No. 3.b., Tynan WSC failed to submit monitoring results at the intervals specified in its permit, in violation of 30 Tex. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0014123001, Sludge Provisions. Specifically, Tynan WSC failed to submit the annual sludge report for the reporting periods ending July 31, 2006 and July 31, 2007 by September 1, 2006 and September 1, 2007, respectively.

- 4. As evidenced by Finding of Fact No. 3.c., Tynan WSC failed to pay the Consolidated Water Quality Fees for Account No. 23005022 for fiscal year 2008 and associated late fees, in violation of 30 Tex. ADMIN. CODE § 21.4 and Tex. WATER CODE § 5.702.
- As evidenced by Finding of Fact Nos. 5 and 6, the Executive Director timely served Tynan WSC with proper notice of the EDPRP, as required by Tex. WATER CODE § 7.055 and 30 Tex. Admin. Code § 70.104(a).
- As evidenced by Finding of Fact No. 7, Tynan WSC failed to file a timely answer to the EDPRP, as required by Tex. Water Code § 7.056 and 30 Tex. Admin. Code § 70.105. Pursuant to Tex. Water Code § 7.057 and 30 Tex. Admin. Code § 70.106, the Commission may enter a Default Order against Tynan WSC and assess the penalty recommended by the Executive Director.
- 7. Pursuant to Tex. Water Code § 7.051, the Commission has the authority to assess an administrative penalty against Tynan WSC for violations of the Texas Water Code within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
- 8. An administrative penalty in the amount of twenty-six thousand seven hundred fifty dollars (\$26,750.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in Tex. Water Code § 7.053.
- 9. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Tynan WSC is assessed an administrative penalty in the amount of twenty-six thousand seven hundred fifty dollars (\$26,750.00) for violations of the Texas Water Code and the rules of the TCEQ. The payment of this administrative penalty and Tynan WSC's compliance with all the terms and conditions set forth in this Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here. All checks submitted to pay the penalty imposed by this Order shall be made out to the "Texas Commission on Environmental Quality." The administrative penalty assessed by this

Order shall be paid within 30 days after the effective date of this Order and shall be sent with the notation "Re: Tynan Water Supply Corporation; Docket No. 2008-0540-MWD-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. Tynan WSC shall undertake the following technical requirements:
 - a. Within 15 days after the effective date of this Order, Tynan WSC shall:
 - i. Submit the required DMRs for Outfall 001 for the monthly monitoring periods of February 2006 through December 2007; and
 - ii. Submit the annual sludge reports for the reporting periods ending July 31, 2006 and July 31, 2007.
 - b. Within 30 days after the effective date of this Order, Tynan WSC shall:
 - i. Submit payment for all outstanding fees, including any associated penalties and interest and with the notation, "Tynan Water Supply Corporation Financial Account No. 23005022" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P. O. Box 13088 Austin, Texas 78711-3087

- ii. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified monthly DMRs and annual sludge report, in accordance with TPDES Permit No. WQ0014123001, Monitoring and Reporting Requirements No. 1 and Sludge Provisions.
- c. Within 45 days after the effective date of this Order, Tynan WSC shall submit written certification and detailed supporting documentation, including photographs, receipts, and other records, to demonstrate compliance with Ordering Provision Nos. 2.a. and

2.b. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Tynan WSC shall submit the written certification and copies of documentation necessary to demonstrate compliance with Ordering Provision Nos. 2.a. and No. b. to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

David Kennebeck, Water Section Manager Texas Commission on Environmental Quality Corpus Christi Regional Office NRC Building, Suite 1200 6300 Ocean Drive, Unit 5839 Corpus Christi, Texas 78412-5839

- 3. All relief not expressly granted in this Order is denied.
- 4. The provisions of this Order shall apply to and be binding upon Tynan WSC. Tynan WSC is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
- 5. If Tynan WSC fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Tynan WSC's failure to comply is not a violation of this Order. Tynan WSC shall have the burden of establishing to the Executive Director's satisfaction that such

- an event has occurred. Tynan WSC shall notify the Executive Director within seven days after Tynan WSC becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Tynan WSC shall be made in writing to the Executive Director. Extensions are not effective until Tynan WSC receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Tynan WSC if the Executive Director determines that Tynan WSC has not complied with one or more of the terms or conditions in this Order.
- 8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
- 9. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 Tex. ADMIN. CODE § 70.106(d) and Tex. Gov't Code § 2001.144.

Tynan Water Supply Corporation Docket No. 2008-0540-MWD-E Page 7

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

AFFIDAVIT OF MARY R. RISNER

STATE OF TEXAS COUNTY OF TRAVIS

"My name is Mary R. Risner. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Tynan Water Supply Corporation" (the "EDPRP") was filed with the Office of the Chief Clerk on August 13, 2008.

The EDPRP was mailed to Tynan WSC at its last known address on August 13, 2008, via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green card," Tynan WSC received notice of the EDPRP on August 15, 2008, as evidenced by the signature on the card.

More than 20 days have elapsed since Tynan WSC received notice of the EDPRP. Tynan WSC failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference."

Mary R. Risner, Attorney

Office of Legal Services, Litigation Division Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Mary R. Risner, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 16th day of NOVEMBER, A.D., 2008.

Margaret A. Wilson MAY 15, 2010

Margaret Wilson
Notary Signature